

AO 91 (Rev. 11/11) Criminal Complaint

Officer:

AUSA: Susan Fairchild

Hector Rivera

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UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Jose Maria Del Carmen DIAZ LEON, a/k/a Juan Gabriel
SOTO-VALERA,

Case No. [Case: 2:24-mj-30429
Assigned To : Unassigned
Assign. Date : 10/04/2024
Description: CMP USA V. DIAZ-
LEON (DJ)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 25, 2024 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

Code Section	Offense Description
18 U.S.C. Sec. 911	False Claim to U.S. Citizenship
18 U.S.C. Sec. 1001(a)	False Statements
18 U.S.C. 1028(a)(4)	Possession of False Identification Document(s) with Intent to Defraud United States
18 U.S.C. 1028A	Aggravated Identity Theft

This criminal complaint is based on these facts:

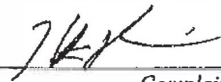
On or about September 25, 2024, in the Eastern District of Michigan, Southern Division, Jose Maria Del Carmen DIAZ LEON, a/k/a Juan Gabriel SOTO-VALERA, a native and citizen of Honduras, falsely represented himself to immigration authorities as a citizen of the United States, using the false name and identity of "Juan Gabriel SOTO-VALERA", knowing that the means of identification belonged to another actual person, with the intent to defraud the United States, and possessed fraudulent identification documents with the intent to defraud the United States, all in violation of Title 18, United States Code, Sections 911, 1001(a), 1028(a)(4) and 1028A.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: _____

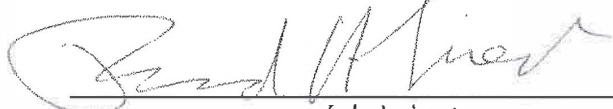
City and state: Detroit, MI



Complainant's signature

Hector Rivera, Deportation Officer, ICE/DHS

Printed name and title



Judge's signature

Kimberly Altman, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Hector Rivera, declare the following under penalty of perjury:

1. I am a Deportation Officer employed with Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO) of the United States Department of Homeland Security (DHS) at the Detroit Field Office. I have been employed in this capacity since February 2007. I am currently assigned to the Detroit ICE-ERO Fugitive Operations team.
2. This affidavit is submitted for the limited purpose of establishing probable cause in support of a criminal complaint and an arrest warrant for Jose Maria Del Carmen DIAZ-LEON also known as "Juan Gabriel SOTO-VALERA," an alien who previously attempted to enter the United States but was returned to Mexico on March 20, 2005. Since that time, no record exists of DIAZ-LEON obtaining permission from the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States.
3. The information contained in this affidavit is based upon my personal knowledge and observations, information provided by other law enforcement personnel, including ICE ERO Deportation Officers, and database record checks. I have also reviewed records from the official immigration file and computer data relating to DIAZ-LEON. I have not included every fact known to law enforcement related to this investigation.

PROBABLE CAUSE

4. DIAZ-LEON, a/k/a Juan Gabriel SOTO-VARELA, is a forty-one-year-old citizen and a native of Honduras who last entered the United States on an unknown date, at an unknown place, without being inspected and admitted or paroled by an immigration officer.
5. On March 20, 2005, U.S. Customs and Border Protection (CBP) at or near Eagle Pass, Texas, encountered DIAZ-LEON when he attempted to enter the United States through a pay toll booth. CBP intercepted and fingerprinted DIAZ-LEON but allowed him to withdraw his application for admission to the United States. CBP returned DIAZ-LEON to Mexico.

6. On September 1, 2024, the Detroit Police Department arrested DIAZ-LEON under the alias name of "Juan Gabriel SOTO-VALERA" for the offense of Criminal Sexual Conduct 3rd Degree (Incapacitated Victim). That case is currently pending in the 36th District Court in Detroit, Michigan. On the same date, Immigration and Customs Enforcement (ICE) received a biometric hit in an Immigration Alien Criminal Response Information Management System (ACRIME) when DIAZ-LEON's fingerprints were submitted by the Detroit Police Department.
7. On September 5, 2024, ICE ERO Detroit conducted an in-person interview with DIAZ-LEON at the Adult Detention Facility in Detroit, Michigan. DIAZ-LEON admitted to being born in Negrito, Honduras, and entering the United States unlawfully at or near Laredo, Texas. DIAZ-LEON was uncertain of the date, but said that he thought he unlawfully entered in or around March 2006. DIAZ-LEON stated that a friend helped him get the fraudulent identity of "Juan Gabriel SOTO-VALERA." In a subsequent interview I conducted with DIAZ-LEON he admitted he was aware that SOTO-VALERA was a real individual who lived in Puerto Rico. DIAZ-LEON said he purchased documents in SOTO-VALERA's name to allow him to work in the United States.
8. On September 5, 2024, ICE ERO Detroit placed an ICE detainer on DIAZ-LEON at the Adult Detention Facility, in Detroit, Michigan. On September 18, 2024, DIAZ-LEON was released by the 36th District Court on an electronic monitoring unit. ICE was not notified of his release.
9. On September 9, 2024, ICE received from the Michigan Secretary of State an application package for an Enhanced Michigan Driver's License submitted by DIAZ-LEON on or about November 8, 2014. On the Enhanced Michigan Driver's License application, DIAZ-LEON claimed to be "Juan Gabriel SOTO-VARELA," a United States Citizen, born in Puerto Rico. The application included a copy of a birth certificate from Puerto Rico, issued in the name of SOTO-VARELA, which DIAZ-LEON submitted to establish his identity.
10. On September 25, 2024, ICE Officers traveled to XXXX Burnette St. Detroit, Michigan, a known address of DIAZ-LEON. At approximately 9:30

am., ICE Officers observed a Hispanic male matching the description of DIAZ-LEON leaving the residence and entering a silver-colored Acura TSX Michigan license plate 8QKF96, a vehicle known to be registered and driven by DIAZ-LEON under the alias name of "Juan Gabriel SOTO-VARELA."

11. ICE Officers conducted a vehicle stop of the Acura at or near Livernois and Tireman Avenue in Detroit, Michigan. ICE Officers approached the vehicle, identified themselves and conducted a field interview. The passenger identified himself as "Juan Gabriel SOTO VARELA" by presenting an Enhanced Michigan Driver's license. He also told the officers he was "Juan Gabriel SOTO VARELA." Based upon their prior investigation, ICE Officers recognized the passenger to be DIAZ-LEON and arrested, detained, and transported him without incident to the Detroit ICE field office. During processing, DIAZ-LEON told Immigration Officers on multiple occasions that he was born in Bayamon, Puerto Rico.

12. At the time of the arrest, ICE Officers located documents in DIAZ-LEON's wallet, including a Michigan State Police Pistol Record (Form Number RI-060) indicating that DIAZ-LEON purchased a firearm on November 20, 2018, a Ruger Model SR22, Caliber 22LR pistol, under the alias name of "Juan Gabriel SOTO-VALERA"; DOB: 5/XX/1989 with an address of XXXX 32nd St. Detroit, Michigan 48210, with associated Michigan Concealed Pistol License (CPL) #942882J.

13. ATF records of the firearm purchase indicate that DIAZ-LEON purchased the gun in April 2018 using the false name of SOTO-VALERA, DOB 05/XX/1989, at the same address in the previous paragraph. DIAZ-LEON also used the S314 454 XXX XXX driver's license, in the name of SOTO-VALERA as identification for the purchase.

14. In DIAZ-LEON's wallet was a Michigan CPL card, #924882J, issued on October 4, 2021, in the name of Juan Gabriel SOTO-VALERA, date of birth 05/XX/1989, Driver's License #S314 454 XXX XXX. DIAZ-LEON's photograph is on the CPL card.

15. ICE Officers also found in DIAZ-LEON's wallet an Michigan Enhanced Driver License, #S314 454 XXX XXX, issued on March 8, 2022, with an

expiration of May 1, 2026, under the alias name of "Juan Gabriel SOTO-VARELA." The license had a DOB of 5/XX/1989 and listed an address of XXXX Willette St. Detroit, Michigan 48210. DIAZ-LEON presented this Enhanced Driver License to ICE Officers as identification at the time of the traffic stop.

16. Also in DIAZ-LEON's wallet was a City of Detroit Registration Certificate for Registered Voter in Detroit, under the alias name of "Juan Gabriel SOTO-VARELA," with an address of XXXX 32nd St. Detroit, MI 48210 -- which is the same address mentioned in one of the preceding paragraphs. DIAZ-LEON said the voting certificate was mailed to his house about three years ago.

17. On September 25, 2024, the fingerprints of the passenger in the Acura who was arrested on September 25, 2024, were searched in ICE/FBI computer systems by Immigration and Customs Enforcement Officers. On September 25, 2024, the fingerprints returned with a positive match for Jose Maria Del Carmen DIAZ-LEON, a previously encountered non-citizen from Honduras. The record checks did not provide any evidence that DIAZ-LEON legally entered the United States or had been issued any documentation that would allow him to enter or remain the United States.

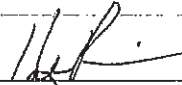
CONCLUSION

18. Based on the above information, I believe there is probable cause to conclude that on or about September 25, 2024, DIAZ-LEON falsely and willfully represented himself to immigration authorities to be "Juan Gabriel SOTO-VARELA," born in Puerto Rico, which was not his true and correct name or his correct place of birth, and falsely claimed to be a United States Citizen, in violation of Title 18, United States Code, Section 1001(a)(2) and Title 18, United States Code, Section 911.

19. Based upon the above information, I believe there is probable cause to conclude that DIAZ-LEON, without lawful authority, knowingly possessed and used a means of identification of another person during and in relation to a felony violation enumerated in 18 U.S.C. §1028A(c), to wit: False Claim to United States Citizenship, knowingly that the means of identification

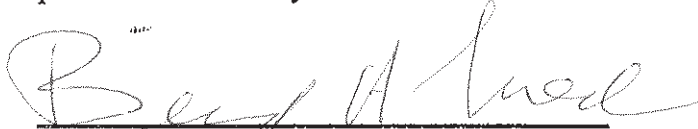
belonged to another actual person, in violation of Title 18, United States Code, Section 1028A(a)(1).

20. Based upon the above information, I believe there is probable cause to conclude that on or about September 25, 2024, DIAZ-LEON knowingly possessed an identification document(s) which was not issued lawfully for his use, specifically an Enhanced Michigan Driver's License, a Voter's Registration Certificate and a Michigan Concealed Pistol License (CPL) in the name of another individual, with the intent to defraud the United States, in violation of Title 18, United States Code, Section 1028(a)(4).



Hector Rivera, Deportation Officer
Immigration and Customs Enforcement

Sworn to before me and signed in my
presence and/or by reliable electronic means.



Honorable Kimberly Altman
United States Magistrate Judge

cert
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